

REMARKS

Claims 8, 12-16, 18, 36-46, 58, and 59 have been amended and Claims 61-63 have been added in response to Examiner rejections and objections. Claims 3-6 have also been amended, and Claim 60 has also been added. Claims 1-63 are currently pending in the application. Several amendments to the specification have been made in order to correct minor errors. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Acceptance of the drawings filed on 02/16/2001 is hereby acknowledged.

Claims 8-10, 12, 43, 45, 46, 58, and 59 have been rejected under 35 § 103(a) as being unpatentable over Little et al (US6052495) in view of Kragl et al (US5471551). Claim 11 has been objected to as dependent on a rejected base claim. Applicant respectfully submits that the rejection is overcome and that Claims 8-12, 43, 45, 46, 58, 59, and 61-63, as amended, patentably distinguish over Little and Kragl.

The claims in question, as amended, specifically recite *assembly* of previously formed optical components (transmission waveguides and resonators) into respective grooves on an alignment member or alignment housing. The arrangement of the grooves on the alignment member or alignment housing serve to accurately position the optical components relative to one another for evanescent optical coupling.

In citing Little, Examiner has asserted: "Little et al does not specifically show housing structure for the components of the resonant assembly, but it is quite obvious that some sort of housing structure must be present – desirably, a housing structure that accurately positions and holds the components on their specified coupling positions". Little primarily discloses the functioning of the waveguides and resonator(s) in forming a resonant optical filter. No extensive disclosure of the construction or structure of the disclosed resonant optical filters is presented in Little. The only structures specifically disclosed are high-index-contrast waveguides and resonators formed together on a substrate within a common cladding (col 4 lines 21-65; Figs. 4 and 5). This eliminates a need for any *alignment* member or *alignment* housing. There is therefore no motivation for combining the teachings of Little with those of Kragl, or with those of any reference teaching the use of *alignment* grooves for assembling optical components.

In addition, Kragl nowhere shows, teaches, or suggests assembly of resonators within grooves. Instead, the grooved substrate of Kragl forms the lower-index cladding portion of one or more optical resonators, and liquid polymer precursor fills the grooves

upon assembly of the grooved substrate with another substrate. Upon curing, the polymer forms the higher-index core portion of the resonator(s). Thus the substrate and resonator groove(s) of the Kragl device are for *forming* the resonator (and the substrate actually forms part of the optical structure of the resonator), rather than for *receiving and aligning* resonator(s) *assembled* with the grooved substrate. The alignment member or alignment housing of the rejected claims is not called upon to form any portion of any optical structure. The teachings of Kragl are therefore not pertinent to the rejected claims (as amended). Furthermore, the polymer materials necessary for implementing the device of Kragl are unsuitable for implementing the device of Little. Little specifically teaches that high-index-contrast waveguides are necessary, and that only materials exhibiting an electro-absorption effect should be used. In summary, a person of ordinary skill in the art would find no motivation to combine the teachings of Little and Kragl, and in fact Little teaches away from such a combination. Applicant therefore respectfully submits that a rejection under 35 USC 103(a) over Little in view of Kragl is improper, and should be withdrawn.

Claims 13-16, 18, 36-42, and 44 have been rejected under 35 § 103(a) as being unpatentable over Applicant's admitted prior art in view of Kragl et al (US5471551). Applicant respectfully submits that the rejection is overcome and that Claims 13-16, 18, 36-42, and 44, as amended, patentably distinguish over Kragl.

Claims 13-16, 18, 36-42, and 44, written in Jepson format, were so written so as to avoid a potential non-statutory double-patenting rejection based on various commonly-owned co-pending applications. No admission that subject matter set forth in the preambles of these claims is prior art was intended, nor should such an admission be inferred. Therefore, the rejection is believed overcome (MPEP §2129), and should be withdrawn. The commonly-owned co-pending applications in question are:

App. No. 09/788,300 filed 02/16/2001 (Pub. No. 2002/0044739 A1 published 04/18/2002);

App. No. 09/788,303 filed 02/16/2001 (not yet published);

App. No. 09/788,331 filed 02/16/2001 (Pub. No. 2002/0041730 A1 published 04/11/2002); and

App. No. 10/037,146 filed 12/21/2001 (Pub. No. 2002/0081055 A1 published 06/27/2002).


The first three of these co-pending applications were listed on an Information Disclosure Statement submitted on 10/10/2002. The fourth of these co-pending applications is listed on an Information Disclosure Statement submitted herewith. It should be noted that the foregoing does not constitute an admission that any double-patenting rejection over the listed co-pending applications would be proper, nor should such an admission be inferred.

Applicant further respectfully submits that Claims 13-16, 18, 36-42, and 44, as amended, patentably distinguish over Kragl, for reasons discussed hereinabove.

Applicant acknowledges allowance of Claims 1-7, 17, 19-35, and 47-57. Claims 3-6, dependent on independent Claim 1, have been amended to correct a previously unnoticed lack of proper antecedent basis. Claim 60, dependent on independent Claim 1, has been added to the application.

In view of the above, it is submitted that Claims 8-16, 18, 36-46, 58, 59, and 60-63, as amended, are in condition for allowance. Reconsideration of the rejections and objection is respectfully requested. Allowance of Claims 8-16, 18, 36-46, 58, 59, and 60-63 and issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted,



David S. Alavi
3762 West 11th Ave.
#408
Eugene, OR 97402

Reg. No. 40,310
541-686-9462 voice
800-853-6150 fax
dalavi@northwestpatent.com